



# NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY  
WESTERN DISTRICT OF MISSOURI

**TODD P. GRAVES**

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**MARCH 1, 2006**

**FOR IMMEDIATE RELEASE**

*A copy of the federal indictment is available to download at the district's Web site at  
[www.usdoj.gov/usao/mow/news2006/dale\\_indictment.pdf](http://www.usdoj.gov/usao/mow/news2006/dale_indictment.pdf)*



## VIPER UPDATE

### **FIVE MEN FACE STATE AND FEDERAL CHARGES FOR THREE MURDERS, DRUG TRAFFICKING**

**KANSAS CITY, Mo.** – Todd P. Graves, United States Attorney for the Western District of Missouri, and Mike Sanders, Jackson County Prosecuting Attorney, announced today that federal charges have been filed in the 2002 double homicide of Anthony Rios and Olivia Raya and, in a separate case, state charges have been filed in the 2003 murder of Torrez Rodriguez. These cases are the result of a VIPER investigation. VIPER – Violent Incident Proactive Enterprise Response – is a joint initiative between federal law enforcement agencies and the Kansas City, Mo., Police Department to combat violent crime in Kansas City.

“This investigation, which resulted in separate state and federal cases, illustrates the impact of a cooperative effort between state, local, and federal law enforcement agencies,” Graves said. “Criminals don’t confine their activities to county or federal jurisdictions, but often cross back and forth between jurisdictions. By working closely together, we are able to use law enforcement resources more strategically to make the most impact on crime rates and crime prevention.”

At a joint press conference today, Graves announced that two men have been indicted by a federal grand jury for the murders of Rios and Raya, and with a third co-defendant have been charged in a conspiracy to distribute cocaine.

“Anthony Rios, 28, and Olivia Raya, 26, were found by family members after they were shot to death in their home,” Graves said. “Because today’s indictment alleges that these murders were committed in the course of a drug-trafficking crime – a conspiracy to distribute cocaine – these defendants face federal prosecution.”

**Michael L. Dale**, 32, also known as Gin, **Dyshawn L. Johnson**, also known as Chopper, 31, of Kansas City, Mo., and **Bryant M. Burton**, also known as Paint, 37, of Blue Springs, Mo., were charged in a four-count indictment returned under seal by a federal grand jury in Kansas City on Tuesday. That indictment was unsealed and made public today upon the arrest and initial court appearance of **Johnson** and **Burton**, who are brothers and remain in federal custody; **Dale** is in federal custody on an unrelated matter and will have an initial court appearance on Thursday.

Sanders announced that one of the defendants in the federal indictment, along with two co-defendants, have been charged in the murder of Rodriguez.

**Dale**, **Archie Mathews**, also known as Lee, 33, of Independence, Mo., and **Mitchell Powell**, also known as Fuzzy, 35, of Kansas City, were charged in state complaints with murder in the first degree and armed criminal action for the shooting death of Rodriguez on Sept. 15, 2003.

According to a statement of probable cause filed in that state case, law enforcement officers found Rodriguez, who had suffered numerous gunshot wounds and was declared dead at the scene, at the intersection of 39<sup>th</sup> and Jackson at about 1:30 a.m. on Sept. 15, 2003.

In the federal indictment, Graves explained, **Dale** and **Johnson** are charged together with the murders of Rios and Raya, while **Burton** is charged with participating with **Dale** and **Johnson** in a drug-trafficking conspiracy and illegally possessing a firearm.

Although the statutory penalties for the murder charges are either life in federal prison without parole or death, a decision has not yet been made whether to seek the death penalty.

Count One of the federal indictment alleges that **Dale**, **Johnson** and **Burton** were involved in a conspiracy to distribute more than five kilograms of cocaine and more than 50 grams of crack cocaine from Jan. 1, 2002, to Aug. 31, 2004.

Count Two of the federal indictment alleges that, on Dec. 20, 2002, **Dale** and **Johnson**, aiding and abetting each other, used a firearm in relation to the drug-trafficking crime alleged in Count One. In doing so, the indictment alleges, they committed murder by causing the unlawful killing of Anthony Rios. According to the indictment, Rios’ murder was willful, deliberate,

malicious, premeditated, and committed in the perpetration of a drug-trafficking crime.

Count Three of the federal indictment alleges that, on Dec. 20, 2002, **Dale** and **Johnson**, aiding and abetting each other, used a firearm in relation to the drug-trafficking crime alleged in Count One. In doing so, the indictment alleges, they committed murder by causing the unlawful killing of Olivia Raya. According to the indictment, Raya's murder was willful, deliberate, malicious, premeditated, and committed in the perpetration of a drug-trafficking crime.

Count Four of the federal indictment alleges that **Burton**, who has been convicted of a felony crime, was in possession of a Smith and Wesson .357 magnum revolver and ammunition on April 15, 2003. Under federal law, Graves explained, it is illegal for anyone who has been convicted of a felony to be in possession of any firearm or ammunition.

Graves cautioned that the charges contained in the indictment are simply accusations, and not evidence of guilt. Evidence supporting the charges must be presented to a federal trial jury, whose duty is to determine guilt or innocence.

The federal case is being prosecuted by Assistant U.S. Attorneys Kate Mahoney and Gregg R. Coonrod. The state case is being prosecuted by Assistant Prosecuting Attorney Michael J. Hunt. The cases were investigated by the Federal Bureau of Investigation, the Kansas City, Mo., Police Department and the U.S. Marshal's Office.

#### VIPER

VIPER – Violent Incident Proactive Enterprise Response – is a joint initiative between the U.S. Attorney's Office, the Kansas City Police Department and federal law enforcement designed to proactively combat violent crime in Kansas City by targeting suspected gang members, drug traffickers and other violent criminals brought to the attention of law enforcement officers as a result of a KCPD homicide investigation. The VIPER initiative was launched in April 2005.

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This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at

[www.usdoj.gov/usao/mow/index.html](http://www.usdoj.gov/usao/mow/index.html)